

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

SUSANNE BARTOLOTTA,

Plaintiff,

v.

Case No. 8:18-cv-2876-T-60SPF

ANDREW M. SAUL,
Acting Commissioner of the
Social Security Administration,

Defendant.

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**ORDER ADOPTING REPORT AND
RECOMMENDATION AND REMANDING CASE**

This matter is before the Court on consideration of the report and recommendation of Sean P. Flynn, United States Magistrate Judge, entered on December 30, 2019. (Doc. # 14). Judge Flynn recommends that the decision of the Commissioner be reversed and the case remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings, and that the Clerk be directed to enter final judgment in favor of Plaintiff and close the case. Neither Plaintiff nor Defendant filed an objection to the report and recommendation, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*,

993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table).

Upon due consideration of the record, including Judge Flynn's report and recommendation, in conjunction with an independent examination of the file, the Court adopts the report and recommendation in all respects. The Court agrees with Judge Flynn's detailed and well-reasoned factual findings and legal conclusions – to which neither party objected. Consequently, the decision of the Commissioner is reversed and remanded pursuant to 42 U.S.C. § 405(g) for further administrative proceedings.

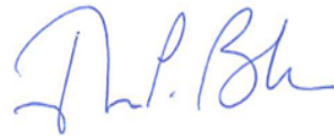
Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) The report and recommendation (Doc. # 14) is **ACCEPTED** and **ADOPTED** in all respects and is made a part of this Order for all purposes, including appellate review.
- (2) The decision of the Commissioner is hereby **REVERSED** and **REMANDED** pursuant to 42 U.S.C. § 405(g) for further administrative proceedings.
- (3) The Clerk is directed to enter final judgment in favor of Plaintiff and against

the Commissioner of Social Security, and thereafter close this case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 17th day of
January, 2020.



TOM BARBER
UNITED STATES DISTRICT JUDGE